

UNITED STATES DISTRICT COURT

for the
District of GuamFILED
DISTRICT COURT OF GUAM
JUN 01 2017JEANNE G. QUINATA
CLERK OF COURTIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)Information Associated with (671) 988-7264 Stored at
Docomo Pacific, Inc., 219 S. Marine Corps Drive,
Tamuning, Guam (See Attachment A)Case No. MS 17-00082

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:
Information Associated with (671) 988-7264 Stored at Docomo Pacific, Inc., 219 S. Marine Corps Drive, Tamuning, Guam. Property is further described in Attachment A.

located in the _____ District of _____ Guam _____, there is now concealed *(identify the person or describe the property to be seized)*:
See Attachment B which is incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21U.S.C. Sections 841(a)(1) and 846	Distribution of Methamphetamine

The application is based on these facts:

- ☒ Continued on the attached sheet.
☒ Delayed notice of 30 ^{10 Bk} days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

BENJAMIN EXCELL, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 6/1/17City and state: Hagatna, Guam


Judge's signature

JOAQUIN V.E. MANIBUSAN, JR., U.S. Magistrate Judge

Printed name and title

ORIGINAL

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Benjamin Excell, being duly sworn on oath, hereby depose and state as follows:

INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises owned, maintained, controlled, or operated by Docomo Pacific, Inc., a wireless provider located at 219 S. Marine Corps Drive in Tamuning, Guam. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A), 2703(c)(1)(A), and 2703 (c)(2)(A-F) to require Docomo Pacific, Inc. to disclose to the government records and other information in its possession pertaining to the subscriber or customer associated with the accounts including the contents of communications.

2. I, Benjamin Excell, being duly sworn, state that I am a Special Agent of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been so employed since July of 2013 and I am currently assigned to the Guam Field Office of the Seattle Field Division. I have a Bachelor's Degree in Chemistry from Southern Utah University and an Associate's Degree in Intelligence Operations from Cochise College. I previously served as an intelligence analyst for approximately four years in the United States Army. During the course of my career, I have conducted criminal investigations and attended hundreds of hours of training. I am a graduate of the Criminal Investigators Training Program at the Federal Law Enforcement

Training Center and the ATF Special Agent Basic Training at the ATF National Academy in Glynco, GA.

3. I know from training, experience, and discussions with other law enforcement officers that importers and distributors of controlled substances often keep ledgers, bank records, telephone books, receipts, airline tickets, lists of drug customers, photographs, audio/video recordings, items which communicate information, and other papers that relate to the importation, transportation, ordering, purchasing and the distribution of controlled substances and proceeds derived from sales. These records and information are often kept on smart phones, cell phones, laptops, desktop computers, server networks (Cloud), and other electronic devices. I know drug traffickers also keep packaging materials, digital scales, and other affiliated materials for their distribution efforts.

4. I know from my training, experience, and discussions with other law enforcement officers that the trafficking of controlled substances generates large sums of money that require the keeping of detailed records. I have observed hand written notes depicting lists of customers and suppliers complete with telephone numbers. These records are also kept in hand held personal digital assistants (PDA) or similar devices, tablets, smart phones and cellular telephones. These records are kept by drug traffickers whether or not the dealer is in actual possession of controlled substances at any given moment.

5. It is also my opinion, based on training, experience, and observations, that the trafficking of large amounts of controlled substances requires the cooperation and association of a number of people within a drug trafficking organization. As a result, persons who traffic in controlled substances will possess electronic devices and documents that identify other members of the organization such as telephone books, text messages, address books, telephone bills,

documents containing lists of names, cellular telephones, computers, and mobile computer devices.

6. I know from my experience that drug traffickers take or cause to be taken photographs of themselves, their associates, their property and their drugs. These traffickers can maintain these photographs in smart phones, laptop computers, tablets and digital media storage devices. I am also aware that criminals often use cellular telephones to communicate instructions, plans, intentions, drug transactions, and progress of criminal activities by way of audio or text messages. I am aware that evidence of these instructions, plans, and general discussions of criminal activity are sent or received in the form of text messages, incoming and outgoing call histories, or voice messages left in personal voice mail systems. I am familiar with the widely used methods in which text messages are sent and received via third party phone applications commonly referred to as “apps.”

7. This affidavit is being submitted for the limited purpose of securing a search warrant. Therefore, I have not included every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the portable electronic devices described above potentially contain evidence of violations of Title 21, United States Code, Sections 841, 843, 846, and other criminal activities. The specific items to be searched are described as follows:

The text messages and all peripheral data, content, including subscriber information, call logs, method of payment, voice messages, photographs, videos, emails, International Mobile Equipment Identity (IMEI) number or Electronic Serial Number (ESM) for the cellular telephone, and electronic telephone book assigned to the account database of cellular telephone number identified as (671) 988-7264.

PROBABLE CAUSE

EVIDENCE OF DRUG TRAFFICKING ACTIVITIES OF AUDREY JEAN WOLFORD

8. During the summer of 2016, agents of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) identified Audrey “Redd” WOLFORD (WOLFORD) as a member of an organization responsible for the distribution of methamphetamine on the island of Guam. ATF agents identified 671-685-3978 (CELL 1) and 671-685-0446 (CELL 2) as cellular telephone numbers being used by WOLFORD.

9. Agents obtained federal search warrants for text message information associated with CELL 1 (MJ16-00130) and CELL 2 (MJ16-00129) which were executed on December 1, 2016. The text messages from these warrants provided further information of WOLFORD’s drug trafficking activities. During analysis of information obtained from the search warrant for CELL 1, ATF agents identified 671-988-7264 (CELL 3) as a number contacted by WOLFORD. WOLFORD arranged to provide drugs to the user of CELL 3 who she calls “popping” or “Popping.”

DATE & TIME	FROM	TO	CONTENT
9/1/2016 3:30	16716853978	16719887264	Okay popping
9/1/2016 3:31	16716853978	16719887264	Are you going to answer the question?
9/1/2016 3:35	16719887264	16716853978	Which question
9/1/2016 3:36	16716853978	16719887264	Do you want to smoke
9/1/2016 3:57	16719887264	16716853978	Yes
9/1/2016 3:58	16716853978	16719887264	So what?
9/1/2016 4:00	16719887264	16716853978	Who's there
9/1/2016 4:01	16716853978	16719887264	My homeboy bobak
9/1/2016 4:23	16716853978	16719887264	9505 8577 2681
9/1/2016 4:38	16719887264	16716853978	Ok am coming
9/1/2016 4:54	16719887264	16716853978	Where do I go
9/1/2016 5:07	16719887264	16716853978	Let me know if it's cool to come

10. Based on text messages found from CELL 1 and CELL 2, ATF agents also identified a source of information (SOI) that purchased methamphetamine from WOLFORD. On May 2, 2017, this SOI indicated that WOLFORD's current phone number was 671-788-1903 (CELL 4). The SOI advised that he/she regularly communicates with WOLFORD by way of text messaging, cell phone conversation, and Facebook Messenger, to WOLFORD's cell phone number CELL 4, to coordinate drug transactions.

11. On May 4, 2017, ATF agents executed a search warrant for information on cellular telephone number 671-788-1903 (MJ17-00067). This information included text messages and call detail records for the dates February 2, 2017 to May 4, 2017. The content of these text messages through this period revealed ongoing drug trafficking and other illegal activities.

12. Review of text messages and phone records found during the search warrant uncovered the following exchange that occurred on the evening of March 11, 2017 through the early morning of March 12, 2017. WOLFORD used CELL 4 to communicate with several other numbers including CELL 3.

DATE & TIME	FROM	TO	CONTENT
3/11/2017 16:31	16717881903	16719887264	You need to call me asap
3/11/2017 19:43	16717881903	16719887264	Yo
3/11/2017 21:05	16719887264	16717881903	*Phone Call (5 Minute Duration)
3/11/2017 21:53	16717876964	16717881903	Red u know anyone letting go zip
3/11/2017 21:54	16717881903	16717876964	Not at the moment
3/11/2017 21:54	16717881903	16717876964	But I am heading to cockfight i find out
3/11/2017 21:54	16717876964	16717881903	Okay if wat 2 zip

3/11/2017 23:36	16717881903	16719887264	Are you here at the
3/11/2017 23:36	16717881903	16719887264	Dome
3/11/2017 23:51	16717881903	16719887264	*Phone Call (1 min.)
3/11/2017 23:51	16717876964	16717881903	Yo
3/11/2017 23:52	16717881903	16717876964	Call me@
3/11/2017 23:52	16717876964	16717881903	*Phone Call (4 min.)
3/12/2017 0:16	16717876964	16717881903	My fren gonna call me back cuz he was tryin another route but if wat he cud swing our way just that he placed an order.
3/12/2017 0:16	16717876964	16717881903	Told him to let me know asap.
3/12/2017 0:17	16717876964	16717881903	Call me if u can
3/12/2017 0:17	16717876964	16717881903	Am in harmon
3/12/2017 0:19	16717881903	16717876964	I wait for his respond @
3/12/2017 0:20	16717881903	16717876964	A but agat expensive so hope it pulls through
3/12/2017 0:20	16717876964	16717881903	Okay
3/12/2017 0:21	16717876964	16717881903	*Phone Call (1 min.)
3/12/2017 0:22	16717881903	16716852653	Joven this redd can you call me asap..
3/12/2017 0:24	16717881903	16717871248	Joven this redd can u call me asap.
3/12/2017 0:37	16717871248	16717881903	*Phone Call (1 min.)
3/12/2017 0:38	16719887264	16717881903	Yes
3/12/2017 0:38	16717881903	16719887264	Nevermind u take so damm long
3/12/2017 0:39	16716868910	16717881903	*Phone Call (1 min.)
3/12/2017 0:40	16717881903	16719887264	*Phone Call (1 min.)
3/12/2017 0:47	16716868910	16717881903	*Phone Call (0 min.)
3/12/2017 0:48	16717881903	16716868910	*Phone Call (1 min.)
3/12/2017 0:49	16717881903	16719887264	*Phone Call (1 min.)
3/12/2017 0:50	16717881903	16716868910	13,000
3/12/2017 0:53	16717881903	16719887264	Popping@
3/12/2017 0:54	16717876964	16717881903	Red cash is on hand 13,000 jus waiting on ur side
3/12/2017 0:54	16717881903	16717876964	Just waiting for there response
3/12/2017 0:55	16717881903	16717876964	Give it time cause you don't want to rush agat
3/12/2017 0:55	16717876964	16717881903	Yea
3/12/2017 0:56	16717881903	16717876964	K
3/12/2017 0:56	16717881903	16717876964	Chris don't mind me asking who that for@

3/12/2017 0:57	16717876964	16717881903	A of jaz Randy @
3/12/2017 0:57	16719887264	16717881903	Yes mommy
3/12/2017 0:58	16717876964	16717881903	A fren of jas
3/12/2017 0:58	16717881903	16719887264	Wtf
3/12/2017 0:58	16717881903	16717876964	Okay
3/12/2017 0:58	16717881903	16719887264	R u busy
3/12/2017 0:58	16719887264	16717881903	Wat
3/12/2017 0:58	16719887264	16717881903	About to split da dome @
3/12/2017 0:59	16717881903	16719887264	Are u
3/12/2017 0:59	16717876964	16717881903	But i know him to he used to kick it with K dawg couple of years back but i got this.
3/12/2017 0:59	16717881903	16717876964	K
3/12/2017 0:59	16719887264	16717881903	No
3/12/2017 1:00	16717881903	16719887264	I spoke with joven trying to get confirmation on the 2 zips. They asked me how much cash I said 13000 just waiting on a final confirmation.
3/12/2017 1:01	16717876964	16717881903	No problems cuz they know BOBAT@
3/12/2017 1:02	16717881903	16719887264	The number i have talking to that person cause joven told him to call me was 6868910
3/12/2017 1:03	16717881903	16719887264	*Phone Call (12 min.)
3/12/2017 1:13	16717876964	16717881903	Red is everything okay
3/12/2017 1:13	16717881903	16719887264	*Phone Call (0 min.)
3/12/2017 1:14	16717881903	16717876964	Still waiting on confirmation
3/12/2017 1:16	16717876964	16717881903	Oh wow. I know its kind of late for his side to be movin around so i hope evrything goes well.
3/12/2017 1:16	16717881903	16716868910	*Phone Call (0 min.)
3/12/2017 1:17	16717881903	16717876964	Oh I guess it's the time
3/12/2017 1:17	16717881903	16717876964	Cause now they didn't answer
3/12/2017 1:18	16717881903	16717876964	I think u should wait til the morning cause I feel that it's has to do with the time..
3/12/2017 1:24	16717881903	16716868910	Sorry I think it's cause of the time. My bad! Just please tell jovan thank you greatly appreciated...
3/12/2017 1:25	16717881903	16719887264	Good night superstar...@

13. Based on my training and experience, these text message conversations and phone calls are indicative of drug trafficking, and that the user of CELL 3 has communications with

other individuals involved in drug trafficking expanding beyond the dates of these conversations.

14. I am also aware that drug traffickers on Guam use slang terms such as, “zip” and “smoke” to refer to methamphetamine. The term “zip” specifically refers to one ounce of methamphetamine, and the numerical denominations of 13,000 in the above text messages are consistent with the price for two ounces of methamphetamine on Guam, which is valued between \$6,000 - \$7,000 per ounce.

15. I know that the price for methamphetamine on Guam and the Commonwealth of the Northern Mariana Islands (CNMI) is significantly higher than the price of methamphetamine on the mainland United States.

16. Agents learned that Docomo Pacific is a company that provides cellular telephone access to the general public and that stored electronic communications and texts for Docomo Pacific, Inc. subscribers may be located on the computers/servers of Docomo Pacific, Inc. Further, I am aware that computers located at Docomo Pacific, Inc. contain information and other stored electronic information.

17. Among the services commonly offered by wireless phone providers is the capacity to send short text or multimedia messages (photos, audio, or video) from one subscriber’s phone or wireless device to another phone or wireless device via one or more wireless providers. This service is often referred to as “Short Message Service” (“SMS”) or “Multimedia Messaging Service” (“MMS”), and is often referred to generically as “text messaging” or “wireless messaging.”

18. Based on my knowledge and experience, I believe that stored electronic communications, including SMS and MMS messages that have been sent or received by subscribers, may be stored by Docomo Pacific, Inc. for periods incident to and following their

transmission.

19. Wireless phone providers typically retain certain transactional information about the use of each telephone, voicemail, and text-messaging account on their systems. This information can include log files and messaging logs showing all activity on the account, such as local and long distance telephone connection records, records of session times and durations, lists of all incoming and outgoing telephone numbers or e-mail addresses associated with particular telephone calls, voicemail messages, and text or multimedia messages. Providers may also have information about the dates, times, and methods of connecting associated with every communication in which a particular cellular device was involved.

20. Many wireless providers retain information about the location in which a particular communication was transmitted or received. This information can include data about which “cell towers” (i.e., antenna towers covering specific geographic areas) received a radio signal from the cellular device and thereby transmitted or received the communication in question.

21. Wireless providers may also retain text messaging logs that include specific information about text and multimedia messages sent or received from the account, such as the dates and times of the messages. A provider may also retain information about which cellular handset or device was associated with the account when the messages were sent or received. The provider could have this information because each cellular device has one or more unique identifiers embedded inside it. Depending upon the cellular network and the device, the embedded unique identifiers for a cellular device could take several different forms, including an Electronic Serial Number (“ESN”), a Mobile Electronic Identity Number (“MEIN”), a Mobile Identification Number (“MIN”), a Subscriber Identity Module (“SIM”), an International Mobile

Subscriber Identifier (“IMSI”), or an International Mobile Station Equipment Identity (“IMEI”). When a cellular device connects to a cellular antenna or tower, it reveals its embedded unique identifiers to the cellular antenna or tower in order to obtain service, and the cellular antenna or tower records those identifiers as a matter of course.

22. Wireless providers also maintain business records and subscriber information for particular accounts. This information could include the subscribers’ full names and addresses, the address to which any equipment was shipped, the date on which the account was opened, the length of service, the types of service utilized, the ESN or other unique identifier for the cellular device associated with the account, the subscribers’ Social Security Numbers and dates of birth, all telephone numbers and other identifiers associated with the account, and a description of the services available to the account subscribers. In addition, wireless providers typically generate and retain billing records for each account, which may show all billable calls (including outgoing digits dialed). The providers may also have payment information for the account, including the dates and times of payments and the means and source of payment (including any credit card or bank account number).

23. In some cases, wireless subscribers may communicate directly with a wireless provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Wireless providers typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well records of any actions taken by the provider or user as a result of the communications.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

24. I anticipate executing this warrant under the Electronic Communications

Privacy Act, in particular 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) & 2703(c)(1)(A), by using the warrant to require Docomo Pacific, Inc. to disclose to the government copies of the records and other information (including the content of texts and communications) described in Attachment A. Upon receipt of the information described in Attachment A, government-authorized persons will review that information to locate the items described in Attachment B.

CONCLUSION

25. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that on the computer systems in the control of Docomo Pacific, Inc. there exists evidence of a crime. Accordingly, a search warrant is respectfully requested. This Court has jurisdiction to issue the requested warrant because it is "a court with jurisdiction over the offense under investigation" as defined by 18 U.S.C. § 2711, 18 U.S.C. § 2703(a), (b)(1)(A) & (c)(1)(A). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

REQUEST FOR AN ORDER TO DELAY NOTIFICATION

26. It is respectfully requested that this Court, pursuant to 18 U.S.C. § 2705, issue an order delaying the notification required under 18 U.S.C. § 2703(b) for a period of ninety (90) days, because there is reason to believe that notification of the existence of the order concerning this search warrant would seriously jeopardize the investigation now in progress.

REQUEST FOR A NONDISCLOSURE ORDER

27. It is respectfully requested that this Court, pursuant to 18 U.S.C. § 2705(a)(A), issue a nondisclosure order to Docomo Pacific, Inc. for a period of ninety (90) days,

because disclosure to any individual or entity in any matter related to this search warrant would seriously jeopardize the investigation now in progress.

FURTHER AFFIANT SAYETH NAUGHT.



Benjamin Excell
Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

ATTACHMENT A

This warrant applies to all information associated with cellular phone number (671) 988-7264 that is stored at premises owned, maintained, controlled, or operated by Docomo Pacific, Inc., a wireless provider located at 219 S. Marine Corps Drive in Tamuning, Guam.

ATTACHMENT B

INFORMATION TO BE DISCLOSED BY DOCOMO PACIFIC, INC.

Use following date range for the information requested below February 18, 2017 to the present date.

1. Text messages, call logs, voice mails, records, receipts, and notes.
2. Photographs and videos.
3. Assigned telephone number for cellular phones listed in Attachment A.
4. Lists of contacts and related identifying information.
5. Evidence of user attribution showing who used or owned the telephone number that is the subject of this warrant from February 18, 2017, to the present date.